

REMARKS

Reconsideration of the application is requested.

Claims 8-14 remain in the application. Claims 8-14 are subject to examination.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claims 8-11 have been rejected as being obvious over U.S. Publication No. 2003/0053420 to Duckett et al. in view of U.S. Publication No. 2004/0176992 to Santos et al. in further view of U.S. Publication No. 2003/0061305 to Copley et al. under 35 U.S.C. § 103. Applicant respectfully traverses.

In the discussion of the actual rejection on pages 4-7 of the Office Action, the Examiner has not pointed to any particular paragraphs of Duckett et al. in order to support the rejection. In the Response to Arguments section of the Office Action, the Examiner has referred to paragraphs 195-199 of Duckett et al. and has alleged that Duckett et al. disclose "utilizing demographic information (or statistical information) in correlation with replaying user actions". Applicant respectfully believes that the Examiner has misinterpreted the teaching in Duckett et al. and that Duckett et al. do not teach or suggest utilizing demographic information in correlation with replaying user actions.

Paragraph 194 of Duckett et al. teaches: “The module 18 then replays the actions taken by the user. This module gives the ability to review the actions carried out by a particular user which may then be useful in identifying a problem which occurred either to assist the user in overcoming the problem or to highlight an aspect of the web page or web site which may be improved.” This paragraph is clearly limited to replaying the actions of the user due to a problem that the user is having and/or to improve a website in some unspecified manner.

Paragraph 195 of Duckett et al. specifically teaches: “For example, it is possible to provide real time displays and or reports showing the following among other things”. The information listed in paragraphs 196-215 then follows. It is rather clear that the information that is detailed in paragraphs 196-215 is provided in the form of a “real time display” or in the form of a “report”. Paragraph 195 does not in any way teach or suggest that the session replay module 18 can replay the actions of a user in correlation with any of the information listed in paragraphs 196-215. The Examiner has apparently jumped to a conclusion that is simply not supported by the actual teaching in Duckett et al. Therefore, even if there were a suggestion to combine the teachings in Duckett et al., Santos et al., and Copley et al., the invention as defined by claim 8 would not have been obtained because the claimed step of “replaying the recording of at least one of the choices selected by the user in the perspective of the user and in correlation with the statistical information in a browser simulator” would not have been suggested based on the teaching in Duckett et al.

Additionally, on page 5 of the Office action, the Examiner has stated that “Santos discloses replaying the recording of the users’ choices in correlation with the statistical information [0016; replaying a session based on customer segments which is derived from the statistical demographic information collected from the user]”.

The Examiner has broadly characterized Santos et al. as teaching replaying the recording of the users’ choices in correlation with the statistical information. However, the actual teaching in Santos et al. is vastly different from the teaching in Duckett et al. Because of the differences in what is actually being taught by these references, one of ordinary skill in the art who is considering the teaching of Duckett et al. would not have obtained a suggestion to modify the teaching of Duckett et al. based on the teaching in Santos et al. A discussion of the actual teachings in Santos et al. and Duckett et al. follows.

Santos et al. teach creating different behavior models to represent the actions of different types of customers or customer segments (See paragraph 14 of Santos et al.). A behavior model 56 is created by first selecting a plurality of users that are with a particular customer segment classification. This selection is based on customer data. Then the actions of the selected plurality of users are aggregated. After being created, the behavior model 56 causes an electronic agent 20 to perform one or more typical transactions that might be performed by website customers 34 that are within the particular customer

segment classification (See paragraph 19 of Santos et al.). The performance of a website in performing these typical transactions is then evaluated by the assessor 22 of the electronic agent 20 (See paragraph 21 of Santos et al.).

Duckett et al. teach playing back the actions of one particular customer as a “virtual video” (See paragraph 194 of Duckett et al.). This virtual video is watched by a technically adept person that will evaluate the particular customer’s interaction with the website.

The objects and the teaching in Duckett et al. are entirely different and unrelated to the objects and the teaching in Santos et al. The teaching in Santos et al. has nothing to do with a virtual video that is watched on a display. Santos et al. teach using a behavior model 56 to control an electronic agent 20 that performs transactions with a website of a web server. The automated interaction, which takes place between the website and the electronic agent 20 being controlled based on the behavior model 56, is then evaluated by the assessor 22 of the electronic agent 20. A person is not involved in this evaluation since it is performed by the assessor 22. A person does not view any type of virtual video when the teaching of Santos et al. is implemented.

The teaching in Santos et al., namely creating a model based on the recorded actions of customers and then using this model to perform automated transactions with a website, does not suggest a modification to the teaching of Duckett et al., which simply teaches recording the actions of a customer

interacting with a website and then playing back those recorded actions on a display. The claimed step of “replaying the recording of at least one of the choices selected by the user in the perspective of the user and in correlation with the statistical information in a browser simulator” would not have been suggested.

Furthermore, there is absolutely nothing in the teaching of Santos et al. that would have suggested that obtaining demographic information would have improved the virtual video of Duckett et al. Santos et al. obtain demographic information in order to create a behavior model that automatically performs transactions with a website in an effort to represent the actions of a particular customer segment. Duckett et al. do not teach anything related to using a behavior model to automatically perform transactions with a website. The virtual video that is taught by Duckett et al. in which the actions of a user are recorded and then played back is totally unrelated to the teaching of Santos et al. Therefore, one of ordinary skill in the art simply would not have obtained a suggestion to modify the teaching in Duckett et al. based on the teaching in Santos et al.

Under the heading “Claim Rejections – 35 USC § 103” on page 7 of the above-identified Office Action, claims 12 and 13 have been rejected as being obvious over U.S. Publication No. 2004/0176992 to Santos et al. in view of U.S. Patent No. 7,296,080 to Rowley et al. under 35 U.S.C. § 103. Applicant respectfully traverses.

Claim 12 includes a step of presenting the statistically compiled actions in at least one browser simulation being displayed on a display.

Applicant believes that the Examiner is incorrect in alleging that Rowley et al. would have suggested modifying the teaching in Santos et al. by presenting the statistically compiled actions in at least one browser simulation being displayed on a display.

The teaching in Santos et al. is based on providing an objective rating for a website so that potential customers can use this rating to decide whether they want to use the website to perform a transaction (see paragraphs 3-5). Santos et al. teach an agent that interacts with the website, which will be rated, according to a behavior model and gathers performance information. This performance information is compared to a utility function for the behavior model in order to obtain a rating for the website. This rating is then made available to potential customers of the website (see paragraph 5).

The Examiner has stated that Rowley improves upon Santos invention by including a display that allows users to graphically view the actions of the simulation. Such a feature, however, is of no real use in the teaching of Santos et al. because Santos et al. want an “objective rating” that is not based on feedback from customers (paragraph 4). This objective rating is obtained by

comparing the performance information to the utility function for the behavior model. This comparison between the performance information and the utility function is mathematically computed. There is no need for graphically displaying the actions of the simulation.

More specifically, Santos et al. teach that an exerciser 24, which is constructed in an agent 20, interacts with the website being rated according to the behavior model 56. The exerciser 24 also collects website performance data based on this interaction. The assessor 22 then computes a rating for the website by comparing this website performance data with a utility function 52 (see paragraph 21). The exerciser 24 and the assessor 22 operate without human intervention to determine the rating for the website. There is no need to display the actions of the behavior model 56 or anything else in order to compute the rating for the website. Therefore, one of ordinary skill in the art simply would not have made the modification that has been asserted by the Examiner.

Applicant also believes that the Examiner incorrectly compares features taught by Santos et al. with unrelated features taught by Rowley et al. in order to arrive at the modification that allegedly would have been suggested by Rowley et al. Rowley et al. teach that the playback of the captured packets from an actual communication session is the browser simulation. This is different from Santos et al. in which according to the Examiner's comparison with claim 12, the behavior model is the browser simulation.

The Examiner has apparently equated the step of statistically compiling the recalled stored actions, which is defined in claim 12, with the creation of the behavior model 56 of Santos et al. According to the Examiner's comparison between claim 12 and Santos et al., it is this behavior model 56 that would be displayed in order to meet the claimed step of presenting the statistically compiled actions in at least one browser simulation being displayed on a display. This behavior model is used by the exerciser 24 in determining how to interact with the website. Rowley et al. however, do not teach displaying a model for determining the interaction with a website or displaying the interaction of the model with the website. Rowley et al. teach displaying captured packets that were transmitted in real communication sessions – not simulated sessions. Second, applicant concludes that Rowley et al., which teach displaying captured data packets to simulate what was displayed during a real communication session, does not suggest displaying a behavior model or the actions of the behavior model.

When one considers the actual teachings in Santos et al. and Rowley, it should be clear that the invention as defined by claim 12 would not have been suggested.

Under the heading "Claim Rejections – 35 USC § 103" on page 9 of the above-identified Office Action, claim 14 has been rejected as being obvious over U.S. Publication No. 2004/0176992 to Santos et al. and U.S. Patent No. 7,296,080

to Rowley et al. in view of U.S. Patent No. 6,877,007 to Hentzel et al. under 35 U.S.C. § 103. Applicant respectfully traverses.

Claim 14 defines a browser simulator configured to take data from said behavior organization module and to display a browser simulation based on said compiled data representing the browser behavior of at least some of the plurality of visitors.

In contrast to the step of claim 14 that has been copied above, Santos et al. do not teach displaying a browser simulation based on compiled data representing the browser behavior of at least some of a plurality of visitors. Rather, Santos et al. teach that an electronic device called an agent 20 applies various types of behavior models 56 to a website 30 in order to determine how the website performs for different segments of website customers 34 (See paragraph 17). It is taught that a behavior model 56 causes the electronic agent 20 to perform one or more typical transactions that might be performed by website customers 34 that are within a particular segment (See paragraph 19).

It should be clear that the combined action of the behavior model 56 and the electronic agent 20 simulates the actions of a website customer 34, and that the behavior model 56 and the electronic agent 20 send commands to the web server that supports the website 30 being tested. The behavior model 56 is not used as a browser simulation being displayed on a display. The behavior

model 56 does not send display elements to a display, but rather interacts with a web server that supports the website 30 being tested. The only simulation that is being performed is a simulation of the actions of website customers 34, and this simulation is manifested by sending electronic commands to the web server.

In contrast to the invention as defined by claim 14, Santos et al. teaches simulating the actions of the website customer 34 by sending electronic commands from the electronic agent 20 to the web server that supports the website 30 being tested. Santos et al. do not teach displaying a browser simulation based on compiled data representing the browser behavior of at least some of a plurality of visitors.

Even if Hentzel et al. did teach an event termination module as alleged by the Examiner, and even if one would have obtained a suggestion to incorporate such an event termination module into the teaching of Santos et al. as alleged by the Examiner, the invention as now defined by claim 14 could not have been suggested because of the deficiencies in the teaching of Santos et al. that have been discussed above.

Claim 14 also includes a browser simulator configured to take data from said behavior organization module and to display a browser simulation based on said compiled data representing the browser behavior of at least some of the

plurality of visitors. The Examiner has cited Rowley et al. with regard to this limitation.

The limitation in claim 14 is different than the limitation in claim 12 for which Rowley et al., has been cited in the rejection of claim 12; however, the rationale discussed above with regard to the teachings in Santos et al. and Rowley et al. in the rejection of claim 12 is also applicable to claim 14. Applicant requests that the Examiner refer again to the pertinent comments given above with regard to claim 12.

In summary, Rowley et al. teach that the playback of the captured packets from an actual communication session is the browser simulation. This is different from Santos et al. in which the behavior model is the browser simulation.

According to the Examiner's comparison, the behavior model 56 of Santos et al. would be displayed. This behavior model 56 is used by the exerciser 24 in determining how to interact with the website. Rowley et al. however, do not teach displaying a model for determining the interaction with a website or displaying the interaction of the model with the website. Rowley et al. teach displaying captured packets that were transmitted in real communication sessions – not simulated sessions. Applicant concludes that Rowley et al., which teach displaying captured data packets to simulate what was displayed during a real communication session, does not suggest displaying a behavior model or the actions of the behavior model.

When one considers the actual teachings in Santos et al., Rowley et al. and Hentzel et al., it should be clear that the invention as defined by claim 14 would not have been suggested.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 8, 12, or 14. Claims 8, 12, and 14 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 8 or claim 12.

In view of the foregoing, reconsideration and allowance of claims 8-14 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$65.00 in accordance with Section 1.17 is enclosed herewith.

Appl. No. 10/776,689
Reply to Office Action of March 31, 2009
Amdt. Dated July 30, 2009

Please charge any other fees that might be due with respect to Sections 1.16
and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-
1099.

Respectfully submitted,

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